

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
HEATHER C. MESERVY (223782) (hmeservy@cooley.com)
4401 Eastgate Mall
San Diego, CA 92121
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

COOLEY GODWARD KRONISH LLP
WHITTY SOMVICHIAN (194463) (wsomvichian@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant eBay Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WINDSOR AUCTIONS, INC., a Florida
corporation, and JEWELRY AUCTIONS
CORPORATION, a New Jersey corporation,

Plaintiffs,

v.

EBAY, INC., a Delaware corporation,
Defendant.

Case No. C 07 06454 RMW

**[PROPOSED] ORDER GRANTING EBAY'S
MOTION TO DISMISS**

Date: March 28, 2008
Time: 9:00 a.m.
Judge: Ronald M. Whyte
Trial Date: Not yet set

THIS MATTER, having come before the Court on Defendant eBay's Motion to Dismiss
Complaint Pursuant to Fed. R. Civ. Proc. 12(b)(6), filed February 12, 2008, and the Court having
considered all papers and pleadings submitted by the parties, and the oral arguments of counsel
made at the hearing,

//

//

//

1 **IT IS HEREBY ORDERED** that eBay's motion to dismiss shall be **GRANTED** and Plaintiff's
2 Complaint shall be **DISMISSED WITH PREJUDICE**.

3 **IT IS SO ORDERED.**

4 Dated: _____, 2008

5 Ronald M. Whyte
6 United States District Judge

7 575389/SD
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28